

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DEBORAH CHRISTINE WHITE,

Plaintiff,

v.

EXPERIAN INFORMATION
SOLUTIONS, INC.,

Defendant.

Civil Action No.
1:21-cv-03066-VMC

ORDER

Before the Court is Plaintiff's Notice of Voluntary Dismissal with Prejudice ("Notice," Doc. 13), filed on June 27, 2024. This case was filed on July 30, 2021. Defendant filed an Answer on November 1, 2021.

Federal Rule of Civil Procedure 41(a)(1)(A) provides that a Plaintiff may voluntarily dismiss a civil action without a court order in two circumstances: (i) by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment;" or (ii) by filing "a stipulation of dismissal signed by all parties who have appeared."

Because Defendant has filed an Answer, Plaintiff could not dismiss this case voluntarily by notice. Plaintiff should have either filed a stipulation of dismissal signed by all parties or sought leave to dismiss the case by Court order.

However, because Plaintiff has put “the substance of [her] position” before the Court, and in the interest of “secur[ing] the just, speedy, and inexpensive determination of every action and proceeding,” the Court will construe the Notice as a motion for voluntary dismissal under Federal Rule of Civil Procedure 41(a)(2), which the Court will grant. *See Title Max v. Northington (In re Northington)*, 876 F.3d 1302, 1308 (11th Cir. 2017); Fed. R. Civ. P. 1. Accordingly, it is

ORDERED that Plaintiff’s Notice of Voluntary Dismissal with Prejudice (Doc. 13), **CONSTRUED** as a Motion for Voluntary Dismissal with Prejudice, is **GRANTED**. It is further

ORDERED that this civil action is **DISMISSED WITH PREJUDICE**, subject to the right of Defendant to object to dismissal within 28 days of the date of entry of this Order. If Defendant timely objects, the Court will set aside this Order and reopen the case. Should Defendant fail to object within that time, this case will stand as dismissed.

The Clerk is **DIRECTED** to close this case.

SO ORDERED this 5th day of August, 2024.



Victoria Marie Calvert
United States District Judge